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Security Council

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Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

Note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Andorra to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) and has the honour to submit the response of the Government of the Principality of Andorra to Security Council resolution 1891 (2009) concerning the Sudan (see annex).

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Pleas

Annex to the note verbale dated 14 January 2010 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

Report of Andorra on the implementation of Security Council resolution 1891 (2009)

Introduction

On 13 October 2009, the Security Council adopted resolution 1891 (2009) concerning the Sudan. Paragraph 4 of the resolution urges all States to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolution 1591 (2005) and resolution 1556 (2004). Paragraph 5 of the resolution encourages all States to report to the Committee on the actions they have taken to implement measures imposed by resolutions 1591 (2005) and 1556 (2004).

Actions taken by the Government of Andorra to implement the measures imposed by paragraphs 3 (d) and (e) of Security Council resolution 1591 (2005)

3. *Decides* [...]

(d) that all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to paragraph (c) above, provided that nothing in this paragraph shall obligate a State to refuse entry into its territory to its own nationals.

The Ministry of Foreign Affairs and Institutional Relations transmits regularly to the Police Service of Andorra the lists and amendments thereto circulated by the various committees of the Security Council. The Police Service immediately implements the measures to which they refer. These lists are entered into the Police database, which police officers may consult in connection with any check.

The Police Service, working with the Immigration Service, is competent to examine the identity documents, nationality and police record of any person requesting permission to immigrate and must in all cases consult the police database.

With regard to border controls, the Immigration Act states that one of the conditions for entry into the Principality of Andorra is that the person requesting entry must not constitute a threat to the security of the State, persons or property or to public order. Furthermore, he must not constitute a serious public health threat and must prove that he has sufficient financial means to support his stay in the country. To that end, border officials must also consult the Police Service database when carrying out checks.

The Police Service database is connected to the International Criminal Police Organization (INTERPOL) database. The Andorran police is also in constant contact with the French and Spanish police.

Andorra has neither a port nor an airport. Andorra can be entered only by road and the borders are patrolled by the Police Service 24 hours a day.

(c) that all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.

The Ministry of Foreign Affairs and Institutional Relations of Andorra transmits the lists issued by the Security Council Committee established pursuant to resolution 1591 (2005) to the Ministry of Internal Affairs and the Andorran Financial Intelligence Unit.

Within the competence granted to it under the Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism, the Unit issues official communications reproducing the measures specified in Security Council resolutions 1591 (2005) and 1556 (2004) (see enclosure). The communications are addressed to financial entities subject to the Act as defined in article 41 of the Act, namely, individuals or entities that are subject to the legal obligations specified in this Act and which belong to any of the following categories:

- Operative components of the financial system
- Insurance companies authorized to operate in the life insurance sector
- Money transfer institutions.

The Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism provides that those subject to its provisions shall monitor all transactions that, although not suspicious, take place under complex or unusual conditions and seem to have no economic justification or legal purpose, and especially transactions likely to involve money-laundering operations and those requiring special monitoring according to official communications.

If one of the entities subject to the Act has reason to suspect that a transaction may be linked to one of the entities or individuals listed in official communications, that transaction is blocked by the Unit and the corresponding file is subsequently transferred to the Public Prosecutor.

The Court of First Instance of Andorra (*Batllia*) is competent to freeze funds which are on Andorran territory and which are owned or controlled, directly or indirectly, by individuals or entities included on the lists issued by the Committee.

Actions taken by the Government of Andorra to implement the measures imposed by paragraphs 7 and 8 of Security Council resolution 1556 (2004)

7. *Decides* that all States shall take the necessary measures to prevent the sale or supply, to all non-governmental entities and individuals, including the Janjaweed, operating in the states of North Darfur, South Darfur and West

Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories.

8. *Decides* **that all States shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 above.**

The Principality of Andorra has a long tradition of peace. It has lived without war or conflict for over seven centuries and has always expressed its support at the international level for the pursuit of disarmament. In that connection, Andorra wishes to point out that it has no army and does not have, develop, market, buy, possess, use or transfer military materiel. The transfer of weapons is an offence under the Andorran Criminal Code. The Police Service and Customs Service maintain constant border control to prevent any transfer of weapons.

Enclosure

Financial Intelligence Unit

Principality of Andorra

Representative 1
Representative 2
Entity
Address
District

Official Communication CT-08/2009

Andorra la Vella, 31 December 2009

Pursuant to Security Council resolution 1591 (2005) concerning measures imposed on designated individuals from the Sudan, all Member States must freeze the financial assets of and sever all commercial relations with the persons designated below.

Please consult your databases for the names of the persons listed and inform the Unit of the results as soon as possible.

Individuals:

1. **ELHASSAN Gaffar Mohammed**
2. **HILAL (Sheikh) Musa**
3. **SHANT Adam Yacub**
4. **BADRI Gabril Abdul Kareem**

We remain at your disposal to provide any clarification required.

FINANCIAL INTELLIGENCE UNIT